

Senate File 416

SENATE FILE _____
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 132)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adult abuse including elder abuse
2 emergency shelter and support services projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 SF 416
5 pf/cc/26

PAG LIN

1 1 Section 1. NEW SECTION. 231.56A ELDER ABUSE EMERGENCY
1 2 SHELTER AND SUPPORT SERVICES PROJECTS.
1 3 1. Through the state's service contract process adopted
1 4 pursuant to section 8.47, the department shall identify area
1 5 agencies on aging that have demonstrated the ability to
1 6 provide a collaborative response to the immediate needs of
1 7 elders in the area agency on aging service area for the
1 8 purpose of implementing elder abuse emergency shelter and
1 9 support services projects. The projects shall be implemented
1 10 only in the counties within an area agency on aging service
1 11 area that have a multidisciplinary team established pursuant
1 12 to section 235B.1.
1 13 2. The target population of the projects shall be any
1 14 elder residing in the service area of an area agency on aging
1 15 who meets both of the following conditions:
1 16 a. Is the subject of a report of suspected dependent adult
1 17 abuse pursuant to chapter 235B.
1 18 b. Is not receiving assistance under a county management
1 19 plan approved pursuant to section 331.439.
1 20 3. The area agencies on aging implementing the projects
1 21 shall identify allowable emergency shelter and support
1 22 services, state funding, outcomes, reporting requirements, and
1 23 approved community resources from which services may be
1 24 obtained under the projects. The area agency on aging shall
1 25 identify at least one provider of case management services for
1 26 the project area.
1 27 4. The area agencies on aging shall implement the projects
1 28 and shall coordinate the provider network through the use of
1 29 referrals or other engagement of community resources to
1 30 provide services to elders.
1 31 5. The department shall award funds to the area agencies
1 32 on aging in accordance with the state's service contract
1 33 process. Receipt and expenditures of moneys under the
1 34 projects are subject to examination, including audit, by the
1 35 department.
2 1 6. This section shall not be construed and is not intended
2 2 as, and shall not imply, a grant of entitlement for services
2 3 to individuals who are not otherwise eligible for the services
2 4 or for utilization of services that do not currently exist or
2 5 are not otherwise available.
2 6 Sec. 2. Section 235B.3, subsection 5, Code 2003, is
2 7 amended to read as follows:
2 8 5. Following the reporting of suspected dependent adult
2 9 abuse, the department of human services or an agency approved
2 10 by the department shall complete an assessment of necessary
2 11 services and shall make appropriate referrals for receipt of
2 12 these services. The assessment shall include interviews with
2 13 the dependent adult, and, if appropriate, with the alleged
2 14 perpetrator of the dependent adult abuse and with any person
2 15 believed to have knowledge of the circumstances of the case.
2 16 The department may provide necessary protective services and
2 17 may establish a sliding fee schedule for those persons able to
2 18 pay a portion of the protective services.
2 19 Sec. 3. Section 235B.6, subsection 2, paragraph c, Code
2 20 2003, is amended by adding the following new subparagraph:
2 21 NEW SUBPARAGRAPH. (8) An employee of an agency requested

2 22 by the department to provide case management or other services
2 23 to the dependent adult.

2 24 Sec. 4. Section 235B.6, subsection 2, paragraph e, Code
2 25 2003, is amended by adding the following new subparagraph:
2 26 NEW SUBPARAGRAPH. (10) The long-term care resident's
2 27 advocate if the victim resides in a long-term care facility or
2 28 the alleged perpetrator is an employee of a long-term care
2 29 facility.

2 30 Sec. 5. Section 235B.6, subsection 3, Code 2003, is
2 31 amended to read as follows:

2 32 3. Access to unfounded dependent adult abuse information
2 33 is authorized only to those persons identified in subsection
2 34 2, paragraph "a", paragraph "b", subparagraphs (2), (5), and
2 35 (6), and paragraph "e", ~~subparagraph subparagraphs (2) and~~
3 1 (10).

3 2 Sec. 6. Section 235B.9, subsections 1, 2, and 3, Code
3 3 2003, are amended to read as follows:

3 4 1. ~~Dependent adult abuse information relating to a~~
~~3 5 particular case of suspected dependent adult abuse which is~~
~~3 6 determined by a preponderance of the evidence to be founded,~~
3 7 shall be sealed ten years after the receipt of the initial
3 8 report of such abuse by the registry unless good cause is
3 9 shown why the information should remain open to authorized
3 10 access. If a subsequent report of ~~a suspected case of founded~~
3 11 dependent adult abuse involving the adult named in the initial
3 12 report as the victim of abuse or a person named in such report
3 13 as having abused an adult is received by the registry within
3 14 the ten-year period, the information shall be sealed ten years
3 15 after receipt of the subsequent report unless good cause is
3 16 shown why the information should remain open to authorized
3 17 access.

3 18 2. ~~Dependent adult abuse information which cannot be~~
~~3 19 determined by a preponderance of the evidence to be founded or~~
~~3 20 unfounded shall be expunged one year after the receipt of the~~
~~3 21 initial report of abuse and dependent adult abuse information~~
~~3 22 which is determined by a preponderance of the evidence to be~~
3 23 unfounded shall be expunged ~~immediately when one year from the~~
3 24 date it is determined to be unfounded.

3 25 3. However, if a correction of dependent adult abuse
3 26 information is requested under section 235B.10 and the issue
3 27 is not resolved at the end of one year the information shall
3 28 be retained until the issue is resolved and if the dependent
3 29 adult abuse information is not determined to be founded, the
3 30 information shall be expunged ~~immediately when one year from~~
3 31 the date it is determined to be unfounded.

3 32 SF 416

3 33 pf/cc/26